

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES, et al.,)
)
Plaintiffs,)
v.) No. 1:23-cv-00108-LMB-JFA
)
GOOGLE LLC,)
)
Defendant.)

DECLARATION OF COLONEL JOHN HORNING
IN SUPPORT OF UNITED STATES' OBJECTIONS TO PUBLIC USE OF
CONFIDENTIAL INFORMATION IN FAA DOCUMENTS AND CORRESPONDING
MOTION TO SEAL

John Horning, pursuant to 28 U.S.C. § 1746, hereby declares as follows:

1. I am over 21 years old and am competent to testify about the matters in this Declaration based on my personal knowledge.
2. I am the Director, Marketing Strategy, Innovation, and Data at the United States Army and submit this Declaration in support of the Plaintiff's request for the certain trial exhibits to contain minimal necessary redactions.
3. Excerpts of Defendant's Exhibits (DTX) 1400-8, DTX 1400-9, DTX 1400-10, DTX 1400-11, and DTX 1400-12 have been redacted. These exhibits consist of charts with detailed, recent (Q2 2023 to Q1 2024) cost and pricing information about the Army's digital advertising spending. Excerpts of those exhibits have been redacted. Disclosure of this information would cause significant harm to the Army because it is commercially sensitive and not available to the general public. For example, if DTX 1400-8 were publicized, various platforms and companies would be able to see recent data on how much the Army has spent for specific types of advertising. Making them available on the public docket could prejudice the Army's ability to

conduct business. Therefore, release of this data would reasonably be likely to harm the Army's economic and business interest in its efforts to advertise opportunities to potential recruits.

4. Excerpts of Defendant's Exhibits 1113 and 1117 have also been redacted, on pages ARMY-ADS-0000245871 and ARMY-ADS-0000183066. These documents are letters from Army officials that contain digital signatures. These digital signatures contain personal Department of Defense identification numbers. This information should be redacted because these numbers are used similarly to a social security number to identify persons, and in some cases their family members, eligible for benefits and services. Release of these numbers could expose these individuals to fraud, as these numbers can lead to access of other sensitive information (social security numbers, health information, and personal financial information of themselves and their family members). Furthermore, a personal phone number on page ARMY-ADS-0000245868_0009 also needs to be redacted because personal phone numbers are not widely published or made available to the public. Making these numbers available on the public docket would expose the individuals concerned to harassment in their private life.

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 25, 2024.

Signed: John P. Horning
Colonel John P. Horning

County and State: Cook County, IL